

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

THE CITY OF NEW YORK

Plaintiff,
v.

OLD DOMINION TOBACCO COMPANY,
INCORPORATED d/b/a ATLANTIC
DOMINION DISTRIBUTORS,

Defendant.

Case No. 1:20-cv-05965

**AFFIRMATION OF
MARY GRACE W. METCALFE IN
SUPPORT OF MOTION TO DISMISS**

I, Mary Grace W. Metcalfe, an attorney duly admitted to practice law before the courts of the State of New York, affirms the following to be true under the penalties of perjury.

1. I am associated with the law firm Troutman Pepper Hamilton Sanders LLP, attorneys for Defendant Old Dominion Tobacco Company, Inc. d/b/a Atlantic Dominion Distributors (“Atlantic Dominion”) in this matter.

2. I submit this affirmation in support of Atlantic Dominion’s motion to dismiss the Complaint filed by Plaintiff the City of New York.

3. Attached hereto as Exhibit A is a true and correct copy of the U.S. Department of Commerce map of the Washington-Baltimore-Arlington Combined Statistical Area,¹ which includes Spotsylvania County as part of the Washington-Baltimore-Arlington Combined Statistical Area.

¹https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjyweGYuOruAhUKy1kKHX1XBRIQFjAFegQIBRAC&url=https%3A%2F%2Fwww2.census.gov%2Fgeo%2Fmaps%2Fcon%2Fec2012%2Fcsa%2FEC2012_330M200US548M.pdf&usg=AOvVaw1a12elrmxoIFBCJx42y4Zf (accessed February 14, 2021).

4. Per the Census Bureau's "Annual Estimates of the Resident Population for Combined Statistical Areas in the United States and Puerto Rico: April 1, 2010 to July 1, 2019",² the Washington-Baltimore-Arlington Combined Statistical Area has consistently ranked as one of the largest combined statistical areas in the country, with an estimated population of 9,814,928 as of July 1, 2019.

Dated: New York, New York
July 1, 2021

TROUTMAN PEPPER
HAMILTON SANDERS LLP

By: s/ Mary Grace W. Metcalfe
Mary Grace W. Metcalfe
875 Third Avenue
New York, NY 10022
Phone: (212) 704-6000
marygrace.metcalfe@troutman.com
Attorneys for Defendant

² <https://www2.census.gov/programs-surveys/popest/tables/2010-2019/metro/totals/csa-est2019-annres.xlsx>
(accessed February 20, 2021).